

Notice of Allowability

Application No.

10/550,874

Examiner

Nirav B. Patel

Applicant(s)

PRZYBILLA, HENRIK

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment submitted 9/30/10 and Examiner's amendment discussed on 11/30/10.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/30/10</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Applicant's amendment filed on Sep. 30, 2010 has been entered. Claims 1-17 are pending. Claims 10-17 are amended by the applicant.

3. Authorization for this examiner's amendment was given in a telephone interview with the applicant representative, Mr. Mark A. Wilson (Reg. No. 43,994) on 11/30/10. During the telephone conference, Mr. Wilson has agreed and authorized examiner to amend claims 1, 10, 15, 16 to overcome the deficiency associated with the claims.

CLAIMS:

a. Referring to claim 1:

Please replace claim 1 as follows:

A granting method to grant a modification device a modification right to modify an application in a data carrier, the method comprising:

generation of a first key information item and of an associated second key information item for a data carrier identified by a data carrier identification information item;

generation of a first master key information item and an associated second master key information item in addition to the first key information item and the associated second key information item;

checking of the association of the first key information item stored in the data carrier with the second key information item from the modification device;

allowing of the modification of the application in the data carrier by the modification device in response to a determination that the first key information item is associated with the second key information item;

checking of the association between the first master key information item stored in the data carrier with the second master key information item from the modification device; and

allowing a modification by the modification device of access rights to at least one interface of the data carrier in response to a determination that the first master key information item is associated with the second master key information item, wherein the at least one interface of the data carrier is for contactless and/or contact communication of information items.

b. Referring to claim 10:

Please replace claim 10 as follows:

A data carrier for running at least one application, the data carrier comprising:

at least one interface for contactless and/or contact communication of information items,

a computer processing device for running the at least one application, where information items communicated via the interfaces or information items stored in the data carrier are processed,

a storage device for storing a first key information item, a first master key information item separate from the first key information item, and an associated data carrier identification information item that identifies the data carrier,

wherein the computer processing device is further configured to check a modification right of a modification device to modify an application in the data carrier via the at least one interface, and to check the association of the first key information item stored in the storage device with a second key information item output to the data carrier by the modification device, and

wherein, following confirmation of the modification right of the modification device, the computer processing device is further configured to enable modification of the application in the data carrier by the modification device;

wherein the computer processing device is further configured to check an association of the first master key information item stored in the storage device with a second master key information item from the modification device;

wherein the computer processing device is further configured, upon confirmation of the association of the first master key information item with the second master key information item, to enable modification of access rights to the at least one interface for the contactless and/or contact communication.

c. Referring to claim 15:

Please replace claim 15 as follows:

A data carrier as claimed in claim 10, wherein the computer processing device is further configured to run an application formed by an applet.

d. Referring to claim 16:

Please replace claim 16 as follows:

A modification device for modifying an application in a data carrier, the modification device comprising:

at least one interface for contactless and/or contact communication of information items to a data carrier identified by a data carrier identification information item,

a storage device for storing at least one data carrier identification information item that identifies a data carrier, an associated second key information item, and a second master key information item, and

a computer processing device for modifying applications in data carriers via the interface where, in the course of communication with a data carrier identified by a stored data carrier identification information item, the modification right of the modification device is output to the data carrier by communication of the second key information item associated with this data carrier identification information item, whereupon, following confirmation of the modification right by the data carrier, the modification device is authorized and designed to modify the application in the data carrier, wherein the computer processing device is further configured to modify access rights to the at least

Art Unit: 2435

one interface of the data carrier in response to a determination that the second master key information item is associated with a first master key information item stored on the data carrier.

Response to Arguments

4. Applicant's arguments, filed 09/30/10, with respect to amended Claim 1 have been fully considered and they are persuasive in the light of the Examiner's amendment.

Allowable Subject Matter

5. Claims 1-17 are allowed.

The following is an examiner's statement of reasons for allowance: The present invention relates to grant a modification device a modification right to modify an application in a data carrier. Independent claim 1 recites therein including the uniquely distinct feature of:

"generation of a first key information item and of an associated second key information item for a data carrier identified by a data carrier identification information item; generation of a first master key information item and an associated second master key information item in addition to the first key information item and the associated second key information item; *checking of the association of the first key information item stored in the data carrier with the second key information item from the modification*

Art Unit: 2435

device; allowing of the modification of the application in the data carrier by the modification device in response to a determination that the first key information item is associated with the second key information item; checking of the association between the first master key information item stored in the data carrier with the second master key information item from the modification device; and allowing a modification by the modification device of access rights to at least one interface of the data carrier in response to a determination that the first master key information item is associated with the second master key information item, wherein the at least one interface of the data carrier is for contactless and/or contact communication of information items".

The prior art of record, taken either singly or in combination, fails to anticipate or fairly suggest the limitations of applicant's independent claim, in such a manner that a rejection under 35 U.S.C 102 or 103 would be proper. The claimed invention is therefore considered to be in condition for allowance as being novel and nonobvious over prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nirav B. Patel/

Primary Examiner, Art Unit 2435